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Appl. No. 10/541,330
Amdt. Dated January 11, 2007
Reply to Office Action of October 11, 2006

...REMARKS...

The Official Action of October 11, 2006 has been thoroughly studied. Accordingly, the changes presented herein for the application, considered together with the following remarks, are believed to be sufficient to place the application into condition for allowance.

By the present amendment claim 1 has been amended to recite that the (meth)acrylate containing a polyfluoroalkyl group and polymerizable monomer free of fluorine atoms are subjected to an emulsification treatment in the presence of "water" together with the surfactant, and polypropyleneglycol-based compound having a molecular weight of 250 to 5,000, followed by copolymerization reaction in the presence of a polymerization initiator.

Support for this change to the claims can be quickly found in the Examples that are presented in applicants' original specification.

Entry of this change to the claims is respectfully requested.

Claims 1-15 are pending in this application.

Claims 11-14 have been withdrawn by the Examiner as being directed to a non-elected invention.

The Restriction Requirement and applicants' election of claims 1-10 and 15 are set forth on pages 2-3.

As requested by the Examiner, applicants' election of claims 1-10 and 15 is affirmed by the undersigned.

Appl. No. 10/541,330
Amdt. Dated January 11, 2007
Reply to Office Action of October 11, 2006

Claims 1-10 and 15 remain pending in this application.

Claims 1-6, 8-10 and 15 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 6,387,292 to Saito.

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Saito in view of U.S. Patent No. 6,180,740 to Fitzgerald.

For the reasons set below, it is submitted that all of the pending claims are allowable over the prior art of record.

Favorable reconsideration by the Examiner is earnestly solicited.

The Examiner has relied upon Saito as disclosing:

...a process of preparing an anti-soil composition in the form of an aqueous dispersion comprising a fluoroalkyl group-containing monomer with a polymerizable monomer free of fluorine atoms, and polypropylene glycol having an average molecular weight of not more than 1,000. Saito (col. 2, line 12-13) disclose a C12-fluoroalkyl group containing monomer. Saito (col. 3, line 10-20) disclose a list of polymerizable monomers that include cyclohexyl (meth)acrylate, benzyl (meth)acrylate, stearyl (meth)acrylate, acrylamide. The disclosed stearyl (meth)acrylate of Saito (col. 3, line 10-20) generically includes stearyl acrylate in view of claim 2 of Saito, where a (meth)acrylate ester also includes an acrylate ester. Saito clearly indicate using a polymerization initiator (col. 4, line 67), and surfactants (col. 5, line 65 to col. 6, line 7). Saito (col. 4, example 1) disclose a formulation comprising at least 10 wt% of polyfluoroalkyl groups. Saito contains all the limitations of claims 1-6, 8-10, 15. Claims 1-6, 8-10, 15 are anticipated.

While the Examiner is correct in pointing out that Saito teaches the use of non-ionic surfactants in Example 3 (Col. 5, line 65 to col. 6, line 7), the Examiner has failed to recognize that in Example 3, the non-ionic surfactant is used in place of the polypropylene glycol.

Appl. No. 10/541,330
Amdt. Dated January 11, 2007
Reply to Office Action of October 11, 2006

Note the text of column 5, line 65 through column 6, line 7 is reproduced as follows:

In Example 1, 0.76 g of Emulgen 950 (trademark of a product commercially available from Kao Corp., Japan) and 0.84 g of Emulgen 930 (trademark of a product commercially available from Kao Corp., Japan), both being non-ionic surfactants, 30.15 g of acetone and 121.67 g of water were used in place of 130 g of polypropylene glycol. 1.2 g of azobisisobutyroamizine.dihydrochloride was used as a polymerization initiator in place of 2.5 g of azobisisobutyronitrile. Polymerization reaction product was gelled.

Saito does not teach or mention the use of surfactants in any other portion of the patent.

Accordingly, Saito flails to teach applicants' claimed process that requires subjecting (meth)acrylate containing a polyfluoroalkyl group and a polymerizable monomer free of fluorine atoms to an emulsification treatment in the presence of: 1) water and 2) a surfactant and 3) a polypropyleneglycol-based compound.

Rather Saito only teaches the alternative use of a surfactant or a polypropylene glycol - but not their combined use according to applicants' invention.

Therefore, Saito cannot be relied upon as anticipating applicants' claimed invention.

It is further noted that Saito flails to disclose an emulsification treatment that is carried out before a polymerization reaction.

In this regard, the "aqueous dispersions" of Saito are only obtained by adding water after the polymerization reaction is completed as noted in at column 6, lines 8-15 of Saito and in each of Examples 1 to 5.

Appl. No. 10/541,330
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In contrast to Saito, in the present invention water is added before the copolymerization reaction occurs.

This process step, which as been emphasized in independent claim 1 as amended above, is not at all taught or suggested by Saito.

It is clear that Saito does not anticipate or otherwise suggest or render obvious applicants' claimed invention.

The Examiner has relied upon Fitzgerald to reject the limitations of claim 7 which recites that the surfactant comprises at least one of a polyethylene oxide-based nonionic surfactant and a cationic surfactant.

The Examiner has relied upon Fitzgerald as "clearly indicat[ing] that cationic, anionic, and non-ionic surfactants are equally valuable and compatible to each other in the formulation of an oil-repellent composition without any negative effect."

This teaching does not overcome the fact that Saito teaches the alternative use of a surfactant or a polypropylene glycol.

The Examiner's further reliance upon the teachings of Fitzgerald does not render applicants' claim invention obvious.

Based upon the above distinctions between the prior art as relied upon by the Examiner and the present invention, and the overall teachings of the prior art, properly considered as a whole, it is respectfully submitted that the Examiner cannot rely upon the prior art as required under 35 U.S.C. §102 as anticipating applicants' claimed invention.

Appl. No. 10/541,330
Amdt. Dated January 11, 2007
Reply to Office Action of October 11, 2006

Moreover the Examiner cannot properly rely upon the prior art as required under 35 U.S.C. §103 as establishing a prima facie case of obviousness of applicants' claimed invention.

It is, therefore, submitted that any reliance upon the prior art would be improper inasmuch as the prior art does not remotely anticipate, teach, suggest or render obvious the present invention.

It is submitted that the claims, as now amended, and the discussion contained herein clearly show that the claimed invention is novel and neither anticipated nor obvious over the teachings the prior art and the outstanding rejection of the claims should hence be withdrawn.

Therefore, reconsideration and withdrawal of the outstanding rejection of the claims and an early allowance of the claims is believed to be in order.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested.


If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved, the Examiner is invited to contact applicants' patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of

Appl. No. 10/541,330
Amdt. Dated January 11, 2007
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time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,



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